

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, August 2, 2011, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Alderman Benjamin K. Mallicote

Alderman Michael McIntire

Vice-Mayor Tom C. Parham

Alderman Tom Segelhorst

(arrived shortly after roll call)

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

Lisa Winkle, Comptroller/ Deputy City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Ms. Doris Bush.
- II.B. **INVOCATION:** By Will Lauderback, Associate Pastor – First Broad Street United Methodist Church.
- III. **ROLL CALL:** By Lisa Winkle – Comptroller/Deputy City Recorder.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
At this time, Mayor Phillips recognized Assistant General Manager Mark Eversole from the Meadowview Convention Center for his recent 2010 EDGE award from Marriott Hotels. EDGE stands for Excellence in Delivering Guest Experiences.

- 1. Recognition of Junior League by the Healthy Kingsport Committee.

NOTE: At this time, Mayor Phillips addressed **Item VI.E.1**, out of order, as a courtesy to those present in the audience from the Healthy Kingsport Committee.

V. **APPROVAL OF MINUTES.**

Motion/Second: McIntire/Joh, to approve minutes for the following meetings:

A. July 18, 2011 Regular Work Session

B. July 19, 2011 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.** None.

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A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from the East Tennessee Foundation Arts Fund (AF: 195-2011).

Motion/Second: McIntire /Joh, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM GRANTS, TICKET SALES AND DONATIONS FOR THE CULTURAL ARTS DIVISION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of an Ordinance to Amend the Zoning Code and Text Governing the Professional Office District (P-1) (AF: 173-2011).

Motion/Second: Segelhorst/McIntire, to pass:

ORDINANCE NO. 6101, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-200; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for the PowerSchool-Limelight Edition Software to NCS Pearson (AF: 194-2011). City Manager Campbell provided details on this item, explaining this was an upgrade for the schools that would allow for more informed decisions to be made regarding students' needs.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2012-016, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR LICENSE FEES FOR POWERSCHOOL-LIMELIGHT EDITION SOFTWARE TO NCS PEARSON FOR KINGSPORT SCHOOLS

Passed: All present voting "aye."

2. Consideration of a Resolution Awarding the Bid for the Purchase of Three (3) 23-Passenger Urban Mass Transit Mini-Buses to National Bus Sales & Leasing, Inc. (AF: 197-2011).

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Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2012-017, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF THREE 23 PASSENGER URBAN MASS TRANSIT MINI-BUSES TO NATIONAL BUS SALES & LEASING, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Execute a Settlement Agreement to Resolve the Tower Steel Litigation (AF: 199-2011). City Attorney Billingsley provided details on this item, stating the issue involved steel provided for the John Adams Elementary School construction project. The dispute involves whether the steel was in the plans or not. As a result of court-ordered mediation, the parties have agreed to resolve the dispute and the City's part of the settlement is \$30,000, which is about the cost of the defense of the lawsuit. Mayor Phillips pointed out this does not necessarily mean there was wrongdoing. Mr. Billingsley also explained the issue of "betterment", noting the costs could have been over \$40,000.

Motion/Second: McIntire/Joh, to pass:

Resolution No. 2012-018, A RESOLUTION APPROVING SETTLEMENT OF THE TOWER STEEL LITIGATION AND AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE SETTLEMENT AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

1. Consideration of Appointments and Reappointments to the Healthy Kingsport Committee (AF: 196-2011). Mayor Phillips provided details on this item earlier in the meeting as several members of the committee were present.

Motion/Second: Parham/McIntire, to approve the following:

NEW APPOINTMENTS AND REAPPOINTMENTS TO THE **HEALTHY KINGSFORT COMMITTEE** AS FOLLOWS:

NEW APPOINTMENTS - ALAN MEADE TO FULFILL ERIC ROUSE'S UNEXPIRED TERM AND CHRIS CAMPBELL TO FULFILL JERRY MILLER'S UNEXPIRED TERM BOTH SET TO EXPIRE MARCH 31, 2013; JUDY RASNAKE TO FULFILL PATRICK KANE'S UNEXPIRED TERM SET TO EXPIRE MARCH 31, 2012; DANELLE GLASSCOCK, MISTY KELLER, MARGOT SEAY AND ALLISON ROGERS - ALL TERMS TO EXPIRE MARCH 31, 2014

REAPPOINTMENTS - SUSAN LAGUARDIA, KITTY FRAZIER AND MONTY MCLAURIN - ALL TERMS TO EXPIRE MARCH 31, 2014

Passed: All present voting "aye."

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VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

NOTE: Alderman Joh asked that Item VII.1 on the consent agenda be pulled for further consideration.

Motion/Second: Joh/Shupe, to adopt:

1. Consideration of an Ordinance Amending Section 46-5 of the Code of Ordinances Pertaining to the Regulation of Fireworks (AF: 186-2011). Alderman Joh made a motion to amend the ordinance to add language addressing possession of fireworks with the intent to discharge. Alderman Segelhorst seconded this motion. City Attorney Billingsley explained the details of this amendment further.

Adopt:

Ordinance No. 6102, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 46-5 RELATING TO FIREWORKS INCLUDING THE POSSESSION, MANUFACTURE, HANDLING, STORAGE, USE, DISCHARGE OR SALE OF THE SAME; TO PROVIDE FOR THE PERMIT PROCESS FOR CERTAIN SUPERVISED USE OR DISPLAY OF FIREWORKS; TO PROVIDE AUTHORITY FOR THE BOARD OF MAYOR AND ALDERMEN TO FURTHER RESTRICT THE STORAGE AND USE OF THE SAME; TO FIX A PENALTY AND OTHER LEGAL ENFORCEMENT FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

Motion/Second: Joh/Shupe, to adopt:

2. Consideration of an Ordinance Establishing the FY12 Property Tax Rate for City of Kingsport Sullivan and City of Kingsport Hawkins County (AF: 182-2011).

Adopt:

Ordinance No. 6103, AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSPORT, SULLIVAN COUNTY AND THE CITY OF KINGSPORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

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VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell asked Assistant City Manager for Development Jeff Fleming to introduce Ms. Lynn Tully, the new Planning Manager. Mr. Campbell also expressed his appreciation to the fire department, police department, public works and other city employees who helped during Funfest. He also reminded everyone that city schools will be in session next week, cautioning drivers to be alert in school zones.

B. MAYOR AND BOARD MEMBERS. Alderman McIntire thanked everyone for their efforts during Funfest.

Alderman Shupe also thanked Funfest volunteers and commented on the Dobyns-Bennett band playing for an upcoming University of Tennessee football game.

Alderman Joh reminded everyone of the upcoming Cocktails in Paradise to benefit the local arts.

Alderman Segelhorst apologized for being late. He mentioned the Lo County Boil event to be held at the Netherland Inn this weekend, as well as the Indian Path Evening with the Path event. He encouraged everyone to try and attend at least one of these events.

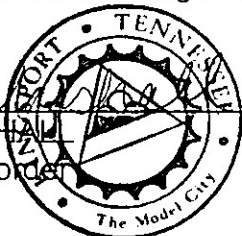
Vice-Mayor Parham commented on the ministry program of the Full Gospel Mission church on Sevier Street, noting several churches volunteer food, service and workers to feed hundreds of people.

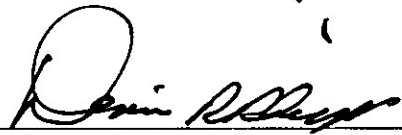
Mayor Phillips commented on the recent dedication of the press box to Don Spivey at Hunter Wright Stadium. Mr. Spivey has announced every Kingsport Mets game since 1995.

C. VISITORS. Dr. Mickey Spivey stated he wanted to clarify some statements he made at the work session yesterday and commented on emergency care in Kingsport.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:50 p.m.


ANGELA MARSHALL
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor